## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MOUNTAIN LAKES ABSTRACT CO. : CIVIL ACTION NO. 3:20-CV-1484

INC., THOMAS W. FIERS, JENNIFER:

J. FIERS, ROBERT CASPER, and : (Judge Conner)

SCOTT M. MARINELLI,

:

**Plaintiffs** 

:

**v.** 

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON,

:

Defendant

## **ORDER**

AND NOW, this 1st day of June, 2022, upon consideration of the motion (Doc. 21) for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) filed by defendant and counterclaim plaintiff Certain Underwriters at Llyod's, London ("Underwriters"), and the parties' respective briefs in support of and in opposition thereto, and for the reasons set forth in the accompanying memorandum of today's date, it is hereby ORDERED that:

- 1. Underwriters' motion (Doc. 21) for judgment on the pleadings is GRANTED to the extent set forth below.
- 2. The Clerk of Court shall enter judgment in Underwriters' favor on all counts of plaintiffs' and counterclaim defendants' complaint (Doc. 1) and on Underwriters' counterclaim Count 1 as set forth in paragraphs 3 and 4.

- 3. It is ORDERED and DECLARED that Underwriters have no obligation under the terms of the insurance policy (Doc. 1-1) to indemnify or defend plaintiffs and counterclaim defendants Mountain Lakes Abstract Co., Inc., Thomas W. Fiers, Jennifer J. Fiers, Robert Casper, and Scott M. Marinelli (collectively "Mountain Lakes") regarding the claim brought by First American Title Insurance Company against Mountain Lakes in the Court of Common Pleas of Monroe County, Docket No. 8547-CV-2018 (the "First American claim").
- 4. It is further ORDERED and DECLARED that Underwriters are entitled to judgment against Mountain Lakes for the claim expenses, as defined by the terms of the insurance policy (Doc. 1-1), expended by Underwriters in providing Mountain Lakes a defense against the First American claim.
- 5. Counterclaims Count 2, 3, 4 and 5 are DISMISSED as moot.
- 6. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania